

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LARAY LOVETT,

Plaintiff,

v.

AIRTRAN AIRWAYS, INC.

Defendant.

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Case No. CV407-007

REPORT AND RECOMMENDATION

LaRay Lovett filed his initial complaint in this Title VII action on January 9, 2007. Doc. 1. On January 17, the Court granted in part Lovett's motion to proceed *in forma pauperis*. Doc. 2. Thereafter, on February 16, Lovett filed an amended complaint, doc. 3, and on February 21, he paid the appropriate partial filing fee. The Court then issued an Order of Instructions to Lovett on February 28. Doc. 4.

Within the February 28th Order, the Court set forth specific instructions for Lovett to follow in order to proceed with this case. One of the instructions was for Lovett to either (1) serve a copy of

his complaint, a summons, and a copy of the February 28th Order upon the defendant in accordance with Rule 4(h) of the Federal Rules of Civil Procedure or (2) notify the defendant by first-class mail of the commencement of the action and request that the defendant waive service of the summons in accordance with Rule 4(d). Id.

Lovett did neither. In response to Lovett's inaction, on October 29, 2007, the Court issued an order warning him that if he failed to fulfill the Court's service requirements within twenty days, his case would be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Doc. 5. Despite the clear warning provided in the Court's order, Lovett has failed to take any further action to move his case forward. Therefore, his case should be **DISMISSED** with prejudice pursuant to Rule 4(m).

So REPORTED and RECOMMENDED this 30th day of **December 2007.**


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA